

1 By

NEUMS-CLARK

H B. No. 951

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4  
5 A BILL TO BE ENTITLED

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7 AN ACT

8  
9 relating to permits issued by the Texas Water Quality Board for  
10 construction, modification, expansion, or additions to industrial  
11 plants and facilities; amending Subchapter C, Texas Water Quality  
12 Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes),  
13 to add a new Section 3.34; and declaring an emergency.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

16  
17 Section 1. Subchapter C, Texas Water Quality Act, as  
18 amended (Article 7621d-1, Vernon's Texas Civil Statutes), is  
19 amended to add a new Section 3.34 to read as follows:

20 "Section 3.34. CONSTRUCTION PERMIT. (a) Any industry  
21 which plans to construct any new plant or facility or to modify,  
22 expand, or add to any existing plant or facility which may dis-  
23 charge industrial waste into the water of this state shall apply  
24 for and obtain a construction permit from the board before any  
25 actual work is begun on the plant or facility.

26 "(b) Along with the application for the permit, the indus-  
27 try shall submit copies of all plans and specifications for the  
28 proposed plant or facility together with any other information  
29 which the board considers necessary.

30 "(c) The board shall hold a hearing on the application for  
31 the permit and give notice to all persons who will be affected by  
32 granting the permit.

33 "(d) After notice and hearing, if the board finds that the  
34 discharge from the proposed plant or facility will not contravene  
35 water quality standards set by the board, it shall grant the  
36 permit, but if the board finds that the discharge from the pro-  
37 posed plant or facility will contravene these standards, it shall  
38 assist the industry in altering the plans and specifications so  
39 that they will meet the standards.

40 "(e) If the industry makes the alterations in the plans and  
41 specifications suggested by the board, the board shall grant the  
42 permit, but if the industry fails or refuses to alter the plans  
43 and specifications, the board shall refuse to grant the permit.

44 "(f) A permit granted under this section may be revoked by  
45 the board, if the board later determines that discharge from the  
46 proposed plant or facility will contravene water quality standards  
47 set by the board. Before a permit is revoked, the board shall  
48 give notice to all persons affected by the revocation and shall  
49 hold a hearing.

50 "(g) The board may seek an injunction in a court of compe-  
51 tent jurisdiction to halt any work on a plant or facility which is  
52 being done without a permit issued under this section."

53 Sec. 2. The importance of this legislation and the crowded  
54 condition of the calendars in both houses create an emergency and

1 an imperative public necessity that the Constitutional Rule  
2 requiring bills to be read on three several days in each house be  
3 suspended, and this Rule is hereby suspended, and that this Act  
4 take effect and be in force from and after its passage, and it is  
5 so enacted.  
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(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

# COMMITTEE REPORT

Date May 26, 1971

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on State Affairs, to whom was referred H.B. No. 954, have had the same under consideration

and beg to report back with recommendation that it ~~do~~ pass, and be printed

The Bill was reported from Committee by the following vote:

~~Majority voice vote~~

John Stiller  
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)



SECOND PRINTING May 28, 1971

Official House Printing, 62nd. Leg.

By: Nelms, Clark

H. B. No. 954

(In the House. -- Filed March 8, 1971; March 10, 1971, read first time and referred to Committee on State Affairs: May 28, 1971, Reported favorably by majority voice vote, sent to Printer.)

A BILL TO BE ENTITLED

AN ACT

relating to permits issued by the Texas Water Quality Board for construction, modification, expansion, or additions to industrial plants and facilities; amending Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes), to add a new Section 3.34; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes), is amended to add a new Section 3.34 to read as follows:

"Section 3.34. CONSTRUCTION PERMIT. (a) Any industry which plans to construct any new plant or facility or to modify, expand, or add to any existing plant or facility which may discharge industrial waste into the water of this state shall apply for and obtain a construction permit from the board before any actual work is begun on the plant or facility.

"(b) Along with the application for the permit, the industry shall submit copies of all plans and specifications for the proposed plant or facility together with any other information which the board considers necessary.

"(c) The board shall hold a hearing on the application for the permit and give notice to all persons who will be affected by granting the permit.

"(d) After notice and hearing, if the board finds that the discharge from the proposed plant or facility will not contravene water quality standards set by the board, it shall grant the permit, but if the board finds that the discharge from the proposed plant or facility will contravene these standards, it shall assist the industry in altering the plans and specifications so that they will meet the standards.

"(e) If the industry makes the alterations in the plans and specifications suggested by the board, the board shall grant the permit, but if the industry fails or refuses to alter the plans and specifications, the board shall refuse to grant the permit.

"(f) A permit granted under this section may be revoked by the board, if the board later determines that discharge from the proposed plant or facility will contravene water quality standards set by the board. Before a permit is revoked, the board shall give notice to all persons affected by the revocation and shall hold a hearing.

"(g) The board may seek an injunction in a court of competent jurisdiction to halt any work on a plant or facility which is being done without a permit issued under this section."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and

1 an imperative public necessity that the Constitutional Rule  
2 requiring bills to be read on three several days in each house be  
3 suspended, and this Rule is hereby suspended, and that this Act  
4 take effect and be in force from and after its passage, and it is  
5 so enacted.  
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2 COMMITTEE REPORT

3 COMMITTEE ROOM

4 Austin, Texas, May 26, 1971

5 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

6 SIR: We, your Committee on State Affairs, to whom was referred H. B.  
7 No. 954, have had the same under consideration and beg to report back  
8 with recommendation that it do pass, and be printed.

9 James L. Slider, Chairman

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11 BILL ANALYSIS

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13 What the Bill Proposes to Do:

14 Requires construction permits be issued by the Texas Water Quality  
15 Board before construction or modification of any plant or facility which  
16 may discharge industrial waste.

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18 Section by Section Analysis:

19 Sec. 1: Amends Subchapter C, Texas Water, Quality Act, as amended  
20 (Art. 7621d-1, V. T. C. S. ) by adding a new Section 3. 34. "Section 3. 34.  
21 Construction Permit.

22 (a) Requires a permit before construction of any plant which may  
23 discharge industrial waste.

24 (b) Requires for plans of the facility to be submitted to the Board for  
25 approval.

26 (c) Provides for a hearing on the application for a permit.

27 (d) Provides that a permit shall be granted if the plant will not contravene  
28 board standards of water quality.

29 (e) Provides that plans must be altered before the permit is granted  
30 where application was previously denied.

31 (f) Provides for permit revocation.

32 (g) Provides the Board with injunctive relief.

33 Sec. 2: Emergency Clause.

34 Summary of Committee Action:

35 H. B. 954 passed by majority voice vote.

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37 This Bill proposes new law.  
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H.B. No. 954

By Nelma Clark

A BILL TO BE ENTITLED

AN ACT

relating to permits issued by the Texas Water Quality Board for construction, modification, expansion, or additions to industrial plants and facilities; amending Subchapter C, Texas Water Quality Act, as amended (Article 7621d-1, Vernon's Texas Civil Statutes), to add a new Section 3.34; and declaring an emergency.

FILED MAR 8 1971

MAR 10 1971

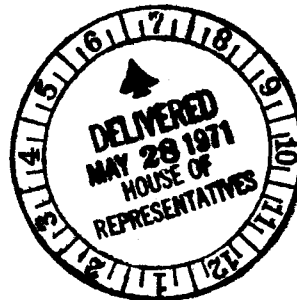
READ 1ST TIME  
AND REFERRED TO COMMITTEE ON

*Dorothy G. Goffman*

Chief Clerk, House of Representatives

REPORTED FAVORABLY SENT TO PRINTER

MAY 28 1971



PRINTED, DISTRIBUTED AND  
REFERRED TO COMMITTEE ON

RULES 6:30 P.M. MAY 28 1971  
(Time) (Date)